In the Supreme Court of the United States

OCTOBER TERM, 1928

No. 513

UNITED STATES OF AMERICA, APPELLANT

v.

AMERICAN LIVESTOCK COMMISSION COMPANY, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF OKLAHOMA

MOTION TO ADVANCE

Come now the United States, by its Solicitor General, and moves the Court to advance the above-entitled cause for a hearing on a day convenient to the Court.

STATEMENT

The appellees are market agencies and dealers on the public stockyards at Oklahoma City, Oklahoma, and registered as such with the Secretary of Agriculture under the Packers and Stockyards Act, 1921, Sec. 303, c. 64, 42 Stat. 159, 163, U. S. C. Title 7, Sec. 203. They brought this suit to enjoin the enforcement of an order of the Secretary of Agriculture which directed them to discontinue a boy-

cott against a cooperative marketing association. On July 28, 1928, the court rendered its decision and decree (R. 50–59), permanently enjoining the enforcement of the Secretary's order.

The question presented is whether market agencies and dealers upon a public stockyard market may, under the Packers and Stockyards Act, 1921, agree with each other to refuse to deal with a cooperative marketing concern on such stockyards, and justify such refusal by the fact that the cooperative concern is limited by its corporate powers in the nature of the transactions in which it may engage, and that those transactions are not shown affirmatively upon the record to be exclusively within such limitation.

REASON FOR ADVANCING

The early and final determination of this question is of importance to the Department of Justice and to the Secretary of Agriculture in their administration of the Packers and Stockyards Act throughout the United States.

Expedition is also provided by law. Section 47a, Title 28, U. S. C. Sup. I, which is made applicable to this case by Section 217, Title 7, U. S. C., provides—

> Appeals to the Supreme Court under this Section and Section 47 of this Title shall have priority in hearing and determination over all other causes, except criminal causes in that Court.

Notice of this motion has been served upon counsel for the appellees.

WILLIAM D. MITCHELL,
Solicitor General.
WILLIAM J. DONOVAN,
The Assistant to the Attorney General.
H. B. TEEGARDEN,
Special Assistant to the Attorney General.
NOVEMBER, 1928.

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